

Based on the foregoing, Judge Bell has directed that “Defendant’s Motion To Dismiss...” should be administratively denied, without prejudice to being re-filed at a later date, after the parties have conducted an Initial Settlement Conference, and after *pro se* Plaintiff has had an opportunity to file an Amended Complaint, if necessary.

In addition, the undersigned notes that *pro se* Plaintiff’s filing appears to combine a response to the pending motion to dismiss with a motion to compel. (Document No. 6). According to the Local Rules of this Court, “[m]otions shall not be included in responsive briefs. Each motion must be set forth as a separately filed pleading.” LCvR 7.1 (2).

To the extent *pro se* Plaintiff seeks to compel discovery, such request is also premature pursuant to the Local Rules.

The parties may engage in consensual discovery at any time.
However, Court-enforceable discovery does not commence until
issue have joined and a Scheduling Order has been entered...

LCvR 16.1 (f)

Based on the foregoing, the Court expects the parties to promptly conduct an Initial Settlement Conference in good faith. If that conference leads to an impasse, *pro se* Plaintiff may file an Amended Complaint.

IT IS, THEREFORE, ORDERED that “Defendant’s Motion To Dismiss Plaintiff’s Complaint” (Document No. 3) is **DENIED WITHOUT PREJUDICE**.

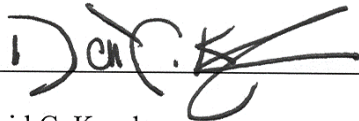
IT IS FURTHER ORDERED that *pro se* Plaintiff’s “Motion To Compel To Discovery And Response To Strike Defendants Motion To Dismiss...” (Document No. 6) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the parties shall conduct an Initial Settlement Conference and file a “Certificate Of Settlement Conference” by **August 12, 2022**.

IT IS FURTHER ORDERED that if the parties do not reach an early settlement, *pro se* Plaintiff may file an Amended Complaint on or before **August 19, 2022**.

SO ORDERED.

Signed: August 1, 2022



David C. Keesler
United States Magistrate Judge

